

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1386

Introduced by Assembly Member Bradford

February 18, 2011

An act ~~relating to state government~~ to amend Section 8283 of the Public Utilities Code, relating to women, minority, and disabled veteran business enterprise procurement.

LEGISLATIVE COUNSEL'S DIGEST

AB 1386, as amended, Bradford. ~~State government.~~ Women, minority, and disabled veteran business enterprise procurement.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical, gas, water, and telephone corporations. Existing law authorizes the commission to establish rules for all public utilities, subject to control by the Legislature.

Existing law directs the commission to require every electrical, gas, water, wireless telecommunications service provider, and telephone corporation with annual gross revenues exceeding \$25,000,000, and their regulated subsidiaries and affiliates, to implement a program developed by the commission to encourage, recruit, and utilize minority-, women-, and disabled veteran-owned business enterprises, as defined, in the procurement of contracts from those corporations or from their regulated subsidiaries and affiliates, and to require the reporting of certain information. The commission, by its rulemaking authority, has adopted General Order 156, applicable to certain electrical, gas, and telephone corporations, to effectuate these requirements. Existing law includes the declaration by the Legislature that each electrical, gas,

water, wireless telecommunications service provider, and telephone corporation that is not required to submit a plan is encouraged to voluntarily adopt a plan for increasing women, minority, and disabled veteran business enterprise procurement in all categories.

This bill would additionally declare that the Legislature encourages each cable television corporation and direct broadcast satellite provider to voluntarily adopt a plan for increasing women, minority, and disabled veteran business enterprise procurement and to voluntarily report activity in this area to the Legislature on an annual basis.

~~Existing law provides for the structure and operations of state government generally.~~

~~This bill would express the intent of the Legislature to enact legislation with respect to state government.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 8283 of the Public Utilities Code is*
2 *amended to read:*

3 8283. (a) The commission shall require each electrical, gas,
4 water, wireless telecommunications service provider, and telephone
5 corporation with gross annual revenues exceeding twenty-five
6 million dollars (\$25,000,000) and their commission-regulated
7 subsidiaries and affiliates, to submit annually, a detailed and
8 verifiable plan for increasing procurement from women, minority,
9 and disabled veteran business enterprises in all categories,
10 including, but not limited to, renewable energy, wireless
11 telecommunications, broadband, smart grid, and rail projects.

12 (b) These annual plans shall include short- and long-term goals
13 and timetables, but not quotas, and shall include methods for
14 encouraging both prime contractors and grantees to engage women,
15 minority, and disabled veteran business enterprises in subcontracts
16 in all categories that provide subcontracting opportunities,
17 including, but not limited to, renewable energy, wireless
18 telecommunications, broadband, smart grid, and rail projects.

19 (c) The commission shall establish guidelines for all electrical,
20 gas, water, wireless telecommunications service provider, and
21 telephone corporations with gross annual revenues exceeding
22 twenty-five million dollars (\$25,000,000) and their

1 commission-regulated subsidiaries and affiliates, to be utilized in
2 establishing programs pursuant to this article.

3 (d) Every electrical, gas, water, wireless telecommunications
4 service provider, and telephone corporation with gross annual
5 revenues exceeding twenty-five million dollars (\$25,000,000) shall
6 furnish an annual report to the commission regarding the
7 implementation of programs established pursuant to this article in
8 a form that the commission shall require, and at the time that the
9 commission shall annually designate.

10 (e) (1) The commission shall provide a report to the Legislature
11 on September 1 of each year, on the progress of activities
12 undertaken by each electrical, gas, water, wireless
13 telecommunications service provider, and telephone corporation
14 with gross annual revenues exceeding twenty-five million dollars
15 (\$25,000,000) pursuant to this article in the implementation of
16 women, minority, and disabled veterans business enterprise
17 development programs. The report shall include information about
18 which procurements are made with women, minority, and disabled
19 veteran business enterprises with at least a majority of the
20 enterprise's workforce in California, to the extent that information
21 is readily accessible. The commission shall recommend a program
22 for carrying out the policy declared in this article, together with
23 recommendations for legislation that it deems necessary or
24 desirable to further that policy.

25 (2) In regard to disabled veteran business enterprises, the
26 commission shall ensure that the programs and legislation
27 recommended pursuant to paragraph (1) are consistent with the
28 disabled veteran business enterprise certification eligibility
29 requirements imposed by the Department of General Services and
30 that the recommendations include only those disabled veteran
31 business enterprises certified by the Department of General
32 Services.

33 (f) (1) The Legislature declares that each electrical, gas, water,
34 ~~wireless telecommunications~~ *mobile telephony* service provider,
35 and telephone corporation that is not required to submit a plan
36 pursuant to subdivision (a) is encouraged to voluntarily adopt a
37 plan for increasing women, minority, and disabled veteran business
38 enterprise procurement in all categories.

39 (2) *The Legislature declares that each cable television*
40 *corporation and direct broadcast satellite provider is encouraged*

1 *to voluntarily adopt a plan for increasing women, minority, and*
2 *disabled veteran business enterprise procurement and to*
3 *voluntarily report activity in this area to the Legislature on an*
4 *annual basis.*

5 ~~SECTION 1. It is the intent of the Legislature to enact~~
6 ~~legislation with respect to state government.~~

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